



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

DEC 09 2009

MEMORANDUM FOR ASSISTANT G-1 FOR CIVILIAN PERSONNEL POLICY
(DEPARTMENT OF THE ARMY)
DEPUTY ASSISTANT SECRETARY, CIVILIAN HUMAN
RESOURCES (DEPARTMENT OF THE NAVY)
DIRECTOR, PERSONNEL POLICY
(DEPARTMENT OF THE AIRFORCE)
DIRECTOR, LABORATORY MANAGEMENT
TECHNICAL DIRECTORS, SCIENCE AND TECHNOLOGY
REINVENTION LABORATORIES

SUBJECT: Direct Hire Authority at Personnel Demonstration Laboratories for
Candidates Possessing an Advanced Degree

Reference: (a) Public Law 111-84
(b) Public Law 110-417, section 1108(b)
(c) USD(P&R) Memorandum for Secretaries of the Military Departments,
dated December 16, 2008, Subj: Redelelegation of Authority under
Section 1108 of the Duncan Hunter National Defense Authorization Act
for Fiscal Year 2009

This memorandum provides notice that the Science and Technology Reinvention Laboratories (STRs) listed in reference (a) may not currently use the direct hire authority for candidates possessing an advanced degree as described in references (b) and (c). This situation results from a discrepancy in the legislative language of reference (b).

When the Secretary of Defense was provided the direct hire authority by reference (b), the mechanism used to designate the STRs to which this flexibility would apply was the cite of 5 U.S.C. 9902(c), a subsection within the National Security Personnel System legislation addressing "Personnel Management at Defense Laboratories." When 5 U.S.C. 9902 was amended using reference (a) to strike subsection 9902(c) among others, the amendment inadvertently removed the list of STRs to which the advanced degree direct hire authority applied.



Since there was not a redesignation of the STRLs enumerated in 5 U.S.C. 9902(c) to those listed in reference (a), or a link in reference (b) to connect the listed STRLs to the Laboratory Personnel Demonstration Program under section 342(b) of the National Defense Authorization Act for Fiscal Year 1995, the STRLs' ability to use the direct hire authority was lost as of October 28, 2009, the date of enactment of P. L. 111-84. Another complicating factor was the replacement of the first 5 U.S.C. 9902(c) with a new 5 U.S.C. 9902(c), which is a complete disconnect from the original.

We are asking the DoD Office of Legislative Counsel to seek as quickly as possible a clarification to reference (b), retroactive to October 28, 2009. This clarification would regularize the appointments made under the direct hire authority since October 28, 2009; assist in finalizing pending hires; and continue to provide the STRLs with an efficient and effective hiring authority for a category of individuals in very short supply in a highly competitive market. In the mean time, STRLs will need to use other appropriate hiring authorities to process/correct hires that were and would have been made under the advanced degree direct hire authority.

My staff has been in touch with the component demonstration project points of contact to alert them of this situation. In addition, we did need to solicit information on the number of hires that may have been made on and after October 28, 2009 as well as pending hires to help determine options. We are aware that the servicing Human Resources Offices are working diligently to resolve the issues and sincerely appreciate their extra efforts.

If you need further information, my point of contact for the personnel demonstration projects is Betty Duffield, Betty.Duffield@cpms.osd.mil, 703-696-8886.



Marilee Fitzgerald
Acting Deputy Under Secretary
Civilian Personnel Policy

cc: CPPC
OGC